

**City Council
Pre-Agenda Meeting
WEDNESDAY
November 9, 2005
4:00 p.m.**

I. Welcome

II. Invocation

III. Proposed items for the November 15, 2005 Regular Meeting of the Trinity City Council

Review and Approval of Minutes

1. October 3, 2005 Special joint meeting with Thomasville
2. October 11, 2005 Pre-agenda Meeting
3. October 18, 2005 Regular City Council Meeting

Unfinished Business

None

New Business

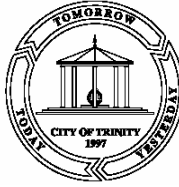
4. Deadline for payment of Darr Rd. area tap fees
5. Contract with Davis-Martin-Powell & Associates, Inc. for professional engineering services relative to Phase 3 Sewer project
6. Cold Brook Ct. street improvements
 - Preliminary Assessment Resolution

Additional Pre-Agenda Meeting Business

IV. Business from Mayor and Council

V. Business from City Manager

VI. Adjournment



**City Council
Pre-Agenda Meeting
November 09, 2005
4:00 p.m.**

The regularly scheduled Pre-Agenda Meeting of the Trinity City Council to be held on Tuesday, November 08, 2005 was rescheduled and held on Wednesday, November 09, 2005 at Trinity City Hall, 6701 NC Highway 62, Trinity, NC 27370.

MEMBERS PRESENT: Council members Karen Bridges, Phil Brown, Barbara Ewings, Barry Lambeth, Bob Labonte, Dwight Meredith, Edith Reddick, and Miles Talbert.

MEMBERS LATE: Mayor, Jimmy Shore (Mayor Shore arrived late in the meeting due to an accident he had incurred earlier in the day.)

OTHERS PRESENT: City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Code Enforcement Administrator, Adam Stumb; City Clerk/Finance Officer, Debbie Hinson; City Engineer, Randy McNeill, Davis, Martin, Powell and Associates; and other interested parties.

ITEM I. Welcome

Mayor Pro-Tem Phil Brown called the November 09, 2005 Rescheduled Regular Pre-Agenda Meeting of the Trinity City Council to order at 4:00 pm and welcomed everyone present. Mayor Pro-Tem Brown and Manager Bailie advised members that Mayor Shore had an accident while delivering oil and had received an injury to his hand.

ITEM II. Invocation

The invocation was given by Council member Lambeth.

ITEM III. Proposed items for the November 15, 2005 Regular Meeting of the Trinity City Council

Mayor Pro-Tem Brown called for discussion and or motion to add these items to the November 15, 2005 Regular Meeting Agenda.

Review and Approval of Minutes

1. October 03, 2005 Special Joint Meeting with Thomasville
2. October 11, 2005 Pre-Agenda City Council Meeting
3. October 18, 2005 Regular City Council Meeting

Council member Bridges made a motion to add these items to the November 15, 2005 Regular Meeting Agenda. The motion was seconded by Council member Lambeth and approved unanimously by all Council members present.

Unfinished Business

None

New Business

4. **Deadline for Payment of Darr Road Area Tap Fees**

Mayor Pro-Tem Brown opened this item and asked Manager Bailie for her comments.

Manager Bailie discussed deadlines that had been set for other sewer projects in the City that allowed residents to take advantage of a discounted tap fee. This process works better because it sets a definite deadline for a cut off point for the discounted tap fee rather than staff trying to keep up with when construction passes each individual's home. As discussed in my memo, CMR has reported that out of the 66 total dwelling units in the project area, 25 have qualified for CDBG assistance and 3 others are outstanding. All deadlines have passed. We are working with our Right of Way agent to begin acquiring the easements in this area. This project is expected to be completed in November 2006; therefore setting a tap deadline of November 1, 2006 might be appropriate for those property owners who do not qualify for free taps and hookups.

Council members and Manager Bailie discussed the time period for connection to the sewer service and the time limit for the discounted tap fees. Manager Bailie advised Council members that the connection to the service must be made within a 6 month period after the project's completion. This sets a definite date to pay the discounted tap fee amount. By setting this date it will allow those who do not qualify some time to get the dollars needed for the tap fee or to make payments which was an option we discussed at another meeting.

Council member Ewings made a motion to add this item to the November 15, 2005 Regular City Council Meeting Agenda, seconded by Council member Talbert, and approved unanimously by all Council members present.

5. Contract with Davis-Martin-Powell & Associates, Inc. for Professional Engineering Services Relative to Phase 3 Sewer Project

After Mayor Pro-Tem Brown opened this item, Manager Bailie advised Council members that this contract was almost identical with the contract approved earlier by Council with this firm for Phase 2 except for the dollars. The fee charged by Davis-Martin-Powell and Associates is \$322,000.00. This is 5.7% of the construction cost estimate. This is \$39,600.00 lower than the 6.9% design fee allowed by Rural Development.

Council member Talbert made a motion to add this item to the November 15, 2005 Regular City Council Meeting Agenda, seconded by Council member Labonte, and approved unanimously by all Council members present.

6. Cold Brook Ct. Street Improvements

▪ Preliminary Assessment Resolution

After Mayor Pro-Tem opened this item, Manager Bailie discussed the memo included in the Agenda Packet that outlined the decisions listed below that Council would need to make to move forward with this project if it was their desire to do so.

1. **Percentage of Costs To Be Assessed To The Property Owners.** (State statutes provide that the percentage shall not be more than 50% of the cost of the improvements unless the petition requests and specifies a higher percentage.) Davis-Martin-Powell and Associates has estimated the project costs to be \$33,500.00. Whatever percentage that Council designates would be assessed to the residents on this street.
2. **Basis for Assessment.** State statute requires that the governing body shall endeavor to establish an assessment method that will most accurately assess each lot or parcel of land according to the benefit conferred upon it by the project. Assessments may be made on the basis of the following:
 - a. **The frontage abutting the road at an equal rate per foot of frontage.**
 - b. **The number of lots served at an equal rate per lot.**
 - c. **The area of land served by the road.**
 - d. **Value added to the land served.**
3. **Terms of Installment Payments.** The final decision to be made is the number of annual installments allowed in which to pay the assessment and the interest rate. State statutes allow for no more than 10 annual installments and an interest rate of not more than 8% per year.

Manager Bailie advised Council that 6 property owners out of 11 persons had signed the petition and represented a majority of property owners for this request. The persons that have signed are shaded on the map that was included in your packet. She discussed a property owner that owned two (2) lots at the time the petition was signed. This owner is now in the process of combining these lots. They were assuming that if Council wanted to divide costs on the basis of lots they would only pay for one lot. If the per lot option is chosen by Council then this will need to be considered because it could present a legal issue. Manager Bailie discussed the different feelings of residents that would be affected by this. Some owners would not sign because they did not feel that the per lot basis was fair and equitable.

Council members discussed how the different options affected the property owners in this location as well as discussion concerning the resident who owned two (2) lots when this petition was originated and signed.

Council and Mr. McNeill discussed different options that had by used by other municipalities concerning projects that involved assessments. These included assessment of the total value based on the front footage at 50% or ½ the cost, some charge a set rate (example \$10.00/ft) for street improvements and the city pays the balance, and some is per acreage with a different rate for commercial and residential. Mr. McNeill advised Council members that he was not aware of any municipality that leaves the option for assessment chosen to the persons who present the petition.

After further discussion concerning the options, Manager Bailie advised Council that they would make these decisions at their Regular Council Meeting next week. There will also be a Public Hearing scheduled for this item in December. This would be the public comment period for all of the property owners to voice their opinion concerning Council's decisions made at the November meeting. If they do not come to a uniform consensus, Council may elect not to proceed further with this proposal.

Council and Manager Bailie discussed the possibility of how Council would like to continue with this in the future and whether they would prefer to have a 100% of the property owners on future petitions or continue to consider such projects on the majority basis.

Manager Bailie advised Council that in this case the city did not have to acquire property from others since the road is already there and the developer is willing to dedicate the road to the city. Since the city will not need to acquire easements, Manager Bailie stated she felt it was ok to proceed in this fashion with this project using the majority basis. However, if the city had to acquire any type of easement from an individual I believe the city should require 100% participation on the petition. We could not effectively deal with someone who does not want the road paved. They will not sign and the city will not condemn and the proposed project would become a fruitless effort.

There was discussion between Mayor Pro-Tem Brown and Mr. McNeill concerning if the city planned to assume all of the streets in this neighborhood if this proposed project was completed. Mr. McNeill advised Council members that he felt it would be a good idea since the other streets in this neighborhood were in good shape. All costs discussed tonight are estimates and the assessment would be based on the total costs when the work is completed.

With no further discussion, Mayor Pro-Tem Brown called for a motion to add this item to the November 15 2005 Regular Meeting Agenda.

Council member Bridges moved to make a motion to add this item to the November 15, 2005 Regular Meeting Agenda, seconded by Council member Talbert and approved unanimously by all Council members present.

Prior to proceeding with Item IV, Mayor Pro-Tem Brown discussed the memo from Manager Bailie requesting Council to consider adding the following additional Items 7, 8, and 9, to the November 15, 2005 Regular Meeting Agenda.

***** ITEMS FOR CONSIDERATION TO BE ADDED TO THE NOVEMBER 15, 2005 REGULAR MEETING AGENDA *****

ITEM 7. Request from Terry's Plumbing

Manager Bailie advised Council that Terry's Plumbing had encountered a great deal of rock while working on the Colonial Heights project and had requested a time extension to complete the project. Mr. McNeill has evaluated the request and looked at all of the things that Terry's Plumbing has done for the city that they could have charged back to the city and have not. Mr. McNeill has made a recommendation concerning the city's option to collection for liquidated damages that we are entitled to.

Mr. McNeill discussed how Terry's Plumbing and the city had been able to work together on prior projects. During the Phase 1B Project we had some problems acquiring easements. They finished the Phase 1B Project, moved off the job and then returned to finish this work and did not ask for anything extra. The Colonial Heights Project was delayed by several months due to the problems with M & M Builders. We delayed his start for several months and he did not ask for anything additional. We asked Terry's for quotes on the final portion of the Phase 1 B project that will be paid for by Grant dollars. It took a few months from the time he presented his quote until the State authorized the work to begin and again he did not ask for extra money. The city would lose the revenue for the 6 months that customers in this area would not be hooked up, however this is considered a soft cost and not something the city will be billed for. The city will be billed for the extra engineering inspection services from our firm and we recommend that you recover those costs.

We will stress to him that he does need to finish the project in accordance with his new time line. This is an extension for approximately 6 months but he has had a lot of difficulty with rock.

There was a brief discussion between Council members concerning the costs that could have been charged to the city by Terry's Plumbing as discussed by Mr. McNeill.

ITEM 8. Closed Session Pursuant to NCGS 143-318.11 (a) (4). To discuss matters relating to the location or expansion of industries or other business in the area.

Manager Bailie advised Council that Ms. Renfro would like to attend the meeting to discuss matters relating to the location or expansion of industries or other business in the area.

ITEM 9. Closed Session Pursuant to NCGS 143-318.11 (a) (6). City Manager performance evaluation.

Council member Lambeth discussed with Council members the need for their performance evaluation sheets. He advised Manager Bailie and Council that he had not received completed evaluation forms from all Council members and that the Personnel Committee would still need to meet prior to any discussion on this matter. He asked that this item be added as a tentative item for discussion only if all items could be completed by the November 15, 2005 Meeting.

With no further discussion on Items 7, 8, or 9, *Council member Meredith made a motion to add Items 7, 8, and tentatively, item 9, to the November 15, 2005 Regular Council Meeting. The motion was seconded by Council member Lambeth, and approved unanimously by all Council members present.*

Additional Pre-Agenda Meeting Business

ITEM IV. Business from Mayor and Council

Council

Council member Lambeth discussed the following:

Mayor Shore's accident

Mayor Shore asked that I advise Council members he did not have any fingers broken but they were badly cut.

Unity Street

Mayor Shore asked that I share with Council that it looked favorable that the speed limit for Unity will be dropped to 45 from 55 and that he has talked with Darrell Frye to try to get an ambulance station located within Trinity. He will continue his efforts on this item.

Council member Labonte and other Council members discussed the problems with speed limit enforcement inside the city. Council member Reddick and Meredith discussed reasons given to the Safety Committee at an earlier time. The Committee was advised that the County was not going to pull deputies off their regular duties to go to court for the amount of time they would be tied up in court for speeding violations.

Council member Talbert

Council member Talbert discussed the Thoroughfare Overlay Plan presented to Council at last months meeting and the importance of implementing some type of plan that will regulate how the city will eventually look. He cited the examples of the City of Thomasville which does not have such a plan and the City of High Point that does implement such a plan. He discussed how a Thoroughfare Plan would aid in shaping your city.

We need to get together and decide what we would like to see changed in the Thoroughfare Plan that was presented and modify it. Council has the power to modify this plan and make it a workable plan for our city. I will volunteer to work with whomever you would like to research these items and try to incorporate changes that other Council members would like to see. We have time but when sewer comes to these locations, so will development.

There was discussion between Council member Talbert and other Council members concerning some of the items that needed to be discussed. Council member Labonte discussed earlier conversations that he had with prior management concerning the amount of additional building allowed to a site with a sufficient amount of property.

After a brief conversation among Council, Mayor Pro-Tem Brown continued with the next agenda item.

ITEM V. Business from City Manager

Manager Bailie discussed the following:

Thoroughfare Plan

Manager Bailie asked Council how they would like to proceed with the Thoroughfare Plan.

Council member Talbert asked that copies of the plan be made with additional space inserted for comments and mailed out to Council members for comment and suggested changes. Council member Lambeth suggested that before this was discussed that a developer or builder get involved with this plan.

Manager Bailie asked if the next step was to send out copies of the Overlay District as approved by Planning/Zoning and ask for Council to make their comments and return to City Hall. We will get the plans with the comments to Council member Talbert. She suggested that Council member Talbert work with Mr. Stumb during the review process.

Council member Meredith stated that he would like to see something included that will allow larger lots to be subdivided.

Council member Labonte discussed his concerns about an earlier decision of Council in regards to another plan forwarded to Council by the Planning Board. "This is a controversial item and Council has the opportunity to work on it before it is passed. We can make or break Trinity with this plan. We can not take a book and build the City of Trinity."

In conclusion of this discussion, Council member Talbert asked that Council members review the document that would be forwarded to them, make their comments, and return the document so that he could research questions in regards to changes to try to make this a good tool for the city.

Christmas in Trinity

Manager Bailie advised Council that the City had an alternative location for Christmas In Trinity. We have been offered the use of the Trinity Elementary School Cafeteria. This facility will hold more people but the tables are small. If we keep the event scheduled at the Methodist Church we will only be able to serve deserts and beverages. If we do this at the school we could probably serve hot dogs. Council member Lambeth discussed his conversation with Manager Bailie in regard to the possibility of hiring one of the cafeteria workers to help the city during this event.

There was discussion concerning the food and it was the consensus of the Council to serve a hot dog dinner and to change the location to Trinity Elementary School.

Planning/Zoning Terms

The terms for the following Planning/Zoning members will expire at the end of December.

Ward 1	J.R. Ewings
Ward 3	Richard McNabb
Ward 4	Melvin Patterson

These appointments need to be made in December. We will notify the newspapers of these openings. I will enclose an application in your agenda packets to be handed out to someone who you feel might like to serve or for reappointment to those who are eligible.

December Council Meeting

Manager Bailie discussed the dates of December 13, 2005 (Pre-Agenda Meeting) and December 20, 2005 (Regular Meeting for City Council) and December 16, 2005 Christmas In Trinity for possible conflicts or changes. There were no changes in these dates.

Manager Bailie advised Council she would be out of the office Friday at the Annual Archdale/Trinity Chamber Retreat but could be reached by cellular telephone.

Mayor Shore

Prior to adjournment Mayor Shore arrived at the meeting. He discussed his accident and gave an update on the medical treatment needed. He also confirmed Council member Lambeth's earlier comments concerning the reduction in the speed limit from 55 to 45 on Unity Street and his continued efforts to have an ambulance station located within the City of Trinity.

ITEM VI. Adjournment

With no other business to discuss, Mayor Pro-Tem Brown called for a motion to adjourn the November 09, 2005 Pre-Agenda Meeting.

Council member Ewings moved to make a motion to adjourn the November 09, 2005 meeting seconded by Council member Talbert and approved unanimously by all Council members present.

These minutes were approved as written and under the Mayor James D. Shore by the Trinity City Council at their December 20, 2005 Regular Meeting upon motion by Council member Meredith, seconded by Council member Ewings, and approved unanimously by all Council members present.

Debbie Hinson, City Clerk

James D. Shore, Mayor

Date

Date